

RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

U.S. Application No.: 10/565,855

Attorney Docket No.: Q92886

REMARKS

In the communication of January 22, 2009, the Examiner issued a Notice of Non-Responsiveness for the Amendment filed on November 6, 2008. More specifically, the Examiner indicated that newly added claims 13-16 were directed toward a non-elected species rendering the Amendment non-responsive.

Applicants respectfully submit that the Amendment was fully responsive to the previous Office Action. Claims 1-6 and 10-12 remain directed toward the elected species and arguments were presented regarding the patentability of these claims. Applicants note that the Examiner does not allege that pending claims 1-6 and 10-12 are no longer drawn towards a non-elected species. Since claims remain directed towards an elected species and arguments were presented regarding the patentability of those claims, the Amendment filed on November 6, 2008 was fully responsive.

Additionally, the undersigned conducted an Examiner Interview on February 2, 2009, for which a Statement of Substance of Interview is simultaneously being filed. An agreement was reached with the Examiner that, if the Examiner deemed it to be necessary, the newly added claims would be constructively restricted based on the original election of species made on April 11, 2008, and that the Examiner would consider the Amendment on the merits. Applicant thanks the Examiner for the Interview.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

U.S. Application No.: 10/565,855

Attorney Docket No.: Q92886

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860


WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 19, 2009

Respectfully submitted,



Raja N. Saliba
Registration No. 43,078